13. (twice amended) The method of Claim 9, wherein the fumonisin or fumonisin analog is administered in an amount between 25 and 75 mg.

16. (twice amended) The method of Claim 9, wherein the fumonisin is Fumonisin B_1.

17. (twice amended) The method of Claim 9, wherein the fumonisin is Fumonisin B_2.

REMARKS

After entry of the amendment, claims 9, 11-18, and 47-57 remain pending.

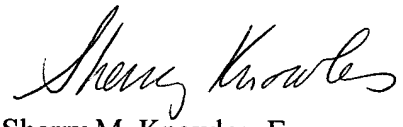
In the Office Action dated January 31, 2003, the Examiner asserted that the Applicants' amendment filed on December 2, 2002 was non-responsive because the amended claims did not read on the elected invention because they were amended to refer to "a fumonisin analog" and Applicants had previously elected the species fumonisin B_1, which is a fumonisin not a fumonisin analog. Applicants thank the Examiner for pointing out this inconsistency. Applicants now address this inconsistency by amending the claims to reinsert the term fumonisin, as it existed in the original claims.

In response to the election of species requirement set forth by the Examiner in the Office Action mailed on November 23, 2001, Applicants elected the species fumonisin B_1. As stated in MPEP §809.02(a), if the generic claim (Claim 9 in the currently pending application) is allowable, then the Applicant will be entitled to consideration of claims to additional species which are written in dependant form or otherwise include all the limitations of an allowed generic claim as provided for under 37 C.F.R. 1.141. Applicants note that currently pending claims 9, 11, 12, 13, 16, 47 and 48 read on the elected species, while currently pending claims 14, 15, 17, 18, and 49-57 do not read on the elected species.

CONCLUSION

In light of the amendments and comments presented herein, Applicants request that the Examiner consider all pending claims for allowance.

Respectfully submitted,

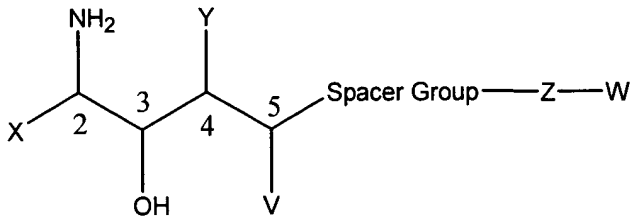


Sherry M. Knowles, Esq.
Reg. No. 33,052

King & Spalding
191 Peachtree St.
Atlanta, Georgia 30303
404-572-3541
404-572-5145 (fax)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

9. (twice amended) A method of treating a neoplastic condition or toxicity in a subject associated with an alteration in sphingolipid metabolism comprising administering an effective amount of **a fumonisin or** a fumonisin analog **thereof** of the formula:



wherein the spacer group is selected from the group consisting of alkyl (straight chain or branched, C_1 - C_{20}), hydroxyalkyl (straight chain or branched, C_1 - C_{20}) or dihydroxyalkyl (straight chain or branched, C_1 - C_{20}); Z is selected from the group consisting of H, O, NH, NQ, NQC(O), NHC(O), CO_2, C(O)NH, and C(O)NQ, wherein Q is an alkyl (straight chain or branched, C_1 - C_6); W is selected from the group consisting of no substituent, H, alkyl (straight chain or branched, C_1 - C_6), aryl (phenyl, substituted phenyl such as substitution with alkyl (straight chain or branched, C_1 - C_6) or halo), $C(O)(CH_2)_nCO_2H$ (where n= 1 - 6), $C(O)(CH_2)_n CW'_2 CO_2 H$, where W' is selected independently from H, alkyl (straight chain or branched, C_1 - C_6), aryl (phenyl, substituted phenyl such as substitution with alkyl (straight chain or branched, C_1 - C_6) or halo), and $(CH_2)_n CO_2 H$, wherein n= 1 - 6; X is selected from the group consisting of H, methyl, CH_2 OH (and esters thereof), $CH_2 NQ'_2$ (where Q' is selected independently from H, alkyl (straight chain or branched, C_1 - C_{20}), and acyl (C(O)Q" where Q" is an alkyl, straight chain or branched, C_1 -C_{20})); and V and Y are independently selected from the group consisting of H or OH (and esters thereof).

12. (twice amended) The method of Claim 9, wherein the **fumonisin or** fumonisin analog is administered in an amount between 5 and 500 mg.

13. (twice amended) The method of Claim 9, wherein the **fumonisin or** fumonisin analog is administered in an amount between 25 and 75 mg.

16. (twice amended) The method of Claim 9, wherein the fumonisin **[~~analog~~]** is Fumonisin B_1.

17. (twice amended) The method of Claim 9, wherein the fumonisin **[~~analog~~]** is Fumonisin B_2.